Case 06-10725-gwz Doc 9113-1 Entered 09/18/11 11:56:54 Page 1 of 4

Claim 2094-2 Filed 01/16/07 Page 1 of 4 Case 06-10725-lbr FORM B10 (Official Form 10) (10/05) UNITED STATES BANKRUPTCY COURT DISTRICT OF Nevada PROOF OF CLAIM Name of Debtor USA Commercial Mortgage Company Case Number 06-10725-LBR NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503. Check box if you are aware that anyone Name of Creditor (The person or other entity to whom the else has filed a proof of claim relating to debtor owes money or property): Kay M. Cantrell, an unmarried woman, and your claim. Attach copy of statement Donald L. Hess, an unmarried man, as joint giving particulars. tenants with right of survivorship. Check box if you have never received any Name and address where notices should be sent: notices from the bankruptcy court in this Donald L. Hess 1818 Madero Drive, Check box if the address differs from the The Villages, FL 32159 address on the envelope sent to you by THIS SPACE IS FOR COURT USE ONLY Telephone number: 562-234-6121 the court Last four digits of account or other number by which creditor Check here replaces amends a previously filed claim, dated: identifies debtor: if this claim Retiree benefits as defined in 11 U.S.C. § 1114(a) **Basis for Claim** Wages, salaries, and compensation (fill out below) Goods sold Last four digits of your SS #: Services performed Unpaid compensation for services performed Money loaned Personal injury/wrongful death Other See Exhibit A Date debt was incurred: March 7, 2005 If court judgment, date obtained: 4. Classification of Claim. Check the appropriate box or boxes that best describe your claim and state the amount of the claim at the time case filed See reverse side for important explanations Secured Claim Unsecured Nonpriority Claim \$ 49,551.70 Check this box if your claim is secured by collateral (including Check this box if: a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or if c) none or only part of your claim is entitled to priority. a right of setoff). Brief Description of Collateral: Real Estate Motor Vehicle Other-Unsecured Priority Claim Value of Collateral: 5 Unknown Check this box if you have an unsecured claim, all or part of which is entitled to priority. Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ 716.67 Amount entitled to priority \$_ Up to \$2,225° of deposits toward purchase, lease, or rental of property Specify the priority of the claim: or services for personal, family, or household use - 11 U.S.C. Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or § 507(a)(7). Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8). Wages, salaries, or commissions (up to \$10,000),* carned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(4). Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(*Amounts are subject to adjustment on 4/1/07 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment. Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(5). 49,551.70 **\$** 49,551.70 49.551.70 Total Amount of Claim at Time Case Filed: (unnecused) (secured) (priority) (Total) Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges. 6. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of THIS SPACE IS FOR COURT USE ONLY making this proof of claim. 7. Supporting Documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary. 8. Date-Stamped Copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, selfaddressed envelope and copy of this proof of claim. Date sign and print the name and title, if any, of the creditor or other person authorized to file this claim (setach copy of power of attorney, if any): 1/10/2007 Donald L. Hess

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. \$\frac{1}{2}\$ and 3571.

Case 06-10725-lbr Claim 2094-2 Filed 01/16/07 Page 2 of 4

EXHIBIT A

To Proof Of Claim

A.	Am	Amount Of Claim					
	1.	Total Amount Invested With USA Commercial Mortgage:	50,000				
	2.	Interest Due From March 1, 2006 through April 12, 2006:	716.67				
	3.	Minus total amount of previously filed A-4 claims by Debtor for Diverted Principal:	1,164.97				
	4.	TOTAL CLAIM (line 1 plus (+) line 2 minus (-) line 3):	49,551,70				
B.	Bas	is of Claim					
	This	Proof of Claim is intended to cover claims for the following:					
		a. breach of fiduciary duties that have resulted in the erosion	of principal investments an				

- a. breach of fiduciary duties that have resulted in the erosion of principal investments and the value of collateral based on triggering of default rate interest rates, late fees, foreclosure costs and fees, maintenance expenses, marketing expenses and market conditions;
- b. fraudulent misrepresentations related to the value of collateral, and the failure to disclose insider involvement in loans, which have resulted in the erosion of principal investments and the value of collateral;
- c. unpaid interest on investments;
- d. any prepetition claims against the Debtor related to, or arising our of, what has been labeled by this Court as Prepaid Interest; and
- e. improperly levied prepetition loan serving fees and collection fees (in some, but not all, cases).

¹This Proof of Claim is not intended to amend or replace previously filed Claims for Diverted Principal (the "Diverted Principal Claim"). This Proof of Claim sets forth additional claims unrelated to Diverted Principal. The total amount of this creditor's claim is equal to the total of the two Proofs of Claim (the Diverted Principal Claims filed by the Debtor, plus this Proof of Claim).

²Because it is presently impossible to accurately calculate the total value of all collateral for this claim, the total claim amount is being submitted as <u>both a secured and unsecured claim</u> in order to fully preserve, protect and assert any and all claims to the extent they be either secured or unsecured.

Case 06-10725-lbr Claim 2094-2 Filed 01/16/07 Page 3 of 4

EXHIBIT B

To Proof Of Claim

Attached are Loan Statements in support of this claim.

Case 06-10725-lbr Claim 2094-2 Filed 01/16/07 Page 4 of 4



4484 S. Pecos Rd. Las Vegas NV 89121 For questions regarding your statement please contact us at 1-888-921-8009 or 702-734-2400

Statement Information

Lullandidan Lullandan Lull

Page Count	5
Statement As Of	2/28/2006

Payment Summary

Account: Kay M	l. Cantrell, an unma	urried woman, and Donald I	Hess, an unmarried man, as join	t tenants with the right of
Total Investments	Total Principal	Total Interest Paid	Total Amount Paid	
1	\$ 0.00	\$ 466.67	\$ 466.67	

Transaction Detail

Transaction Type	From Date	To Date	Beginning Balance	Ending Balance	Amount Paid
Investment: Roam D Interest Payment	evelopment 02/01/2006	Original Inve 02/28/2006	stment; \$ 50,000.00 \$ 50,000.00	IR: 12.00% \$ 50,000.00	YTD Interest: \$ 1,500.01 \$ 466.67
Totals:			\$ 50,000.00	\$ 50,000.00	S 466.67

Full Account Summary

Account: Kay M. Cantrell	, an unmarried woman, a	and Donald L. Hess, an unmarried man, as joint tenants with the right of
Total Originally Invested	Total Remaining Invested	Total YTD Interest
\$ 50,000.00	\$ 50,000.00	\$ 1,500.01

For a detailed breakdown of your statement or additional account information, please visit http://www.tdinvestments.com